

Omar Mohammedi, Esq.

From: Carter, Sean <SCarter1@cozen.com>
Sent: Wednesday, June 05, 2019 1:02 PM
To: Frederick Goetz; Omar Mohammedi, Esq.
Cc: Tarbutton, J. Scott; Linda Shili; 'Haefele, Robert' (rhaefele@motleyrice.com); WTC[jflowers@motleyrice.com]; jeubanks@motleyrice.com; WTC[jkreindler@kreindler.com]; WTC[amaloney@kreindler.com]; Steven R. Pounian; WTC[jgoldman@andersonkill.com]; Armstrong, Arthur; Strong, Bruce; WTC[kabat@bernabeipllc.com]
Subject: RE: WAMY

Fred – Thanks.

With regard to your position that there is insufficient time to confer with respect to a deposition that is scheduled to occur more than 30 days from now, and that likely could be re-set for later in July when we will be in Madrid for other WAMY depositions, we believe the structure of the Deposition Protocol clearly indicates otherwise. Pursuant to paragraph 28 of the Protocol, depositions outside of the United States may be noticed 21 days in advance. The Protocol thus necessarily contemplates that there is sufficient time to confer about potential disputes in this instance, pursuant to an agreed upon extension.

Nonetheless, we understand you are eager to proceed with your objection. We strongly believe the topics covered in the notice are appropriate and relevant, and given the breadth of your objections (some of which are in conflict with prior rulings of the court), we are not in a position to provide a simple counterproposal that would be likely to bridge the gap.

Best, Sean



Sean P. Carter
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From: Frederick Goetz <FGoetz@goetzeckland.com>
Sent: Wednesday, June 5, 2019 10:03 AM
To: Carter, Sean <SCarter1@cozen.com>; WTC[omohammedi@otmlaw.com] <omohammedi@otmlaw.com>
Cc: Tarbutton, J. Scott <STarbutton@cozen.com>; Linda Shili <lshili@otmlaw.com>; 'Haefele, Robert' (rhaefele@motleyrice.com) <rhaefele@motleyrice.com>; WTC[jflowers@motleyrice.com] <jflowers@motleyrice.com>; jeubanks@motleyrice.com; WTC[jkreindler@kreindler.com] <jkreindler@kreindler.com>; WTC[amaloney@kreindler.com] <amaloney@kreindler.com>; Steven R. Pounian <Spounian@kreindler.com>; WTC[jgoldman@andersonkill.com] <jgoldman@andersonkill.com>; Armstrong, Arthur <Aarmstrong@andersonkill.com>; Strong, Bruce <Bstrong@andersonkill.com>; WTC[kabat@bernabeipllc.com] <kabat@bernabeipllc.com>
Subject: RE: WAMY

****EXTERNAL SENDER****

Sean,

It seemed that Omar's response did clarify why having a meet and confer on Thursday is not feasible. To clarify, having the meet and confer on Thursday would require, if court approved, an extension of the time to file a motion relative to WAMY's objections to plaintiffs' 30(b)(6) notice. The likely knock on effects that this would have upon the depositions scheduled for July, with the court's hard deadline to complete the depositions by July 31, 2019, make your suggestion of a meet and confer on Thursday impracticable.

While we appreciate your offer to meet and confer, it comes at a point in time where further delaying the resolution of the 30(b)(6) issue puts WAMY in an impossible position. The 30(b)(6) deposition is scheduled to take place in a little over a month. We cannot delay that deposition. We need to clarify what issues we need to designate witnesses for. We need to clarify the issues to be covered at the 30(b)(6) deposition so we can designate and prepare the appropriate witnesses. All of that requires time.

Our objections to the 30(b)(6) notice were served two days after we received the notice. We then made a good faith proposal to resolve the issues relative to the scope of the 30(b)(6) deposition. We still have not received any substantive response to our proposal. We were concerned given the imminent deadline to file a motion and sent a follow up letter Monday. We believe our proposals to narrow the 30(b)(6) issues are reasonable. If you agree to our position, then the matter can be resolved now.

I trust plaintiffs are able to provide WAMY with a written response to our proposal to resolve the 30(b)(6) issues by noon today. WAMY will absolutely consider any counter proposal but we need something. You have had WAMY's proposal since May 24. We are open to further attempts to resolve this issue but need a substantive response from your side. Your proposal to meet and confer without any specifics as to your position, which will necessitate further extensions, is neither helpful nor workable.

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From: Carter, Sean <SCarter1@cozen.com>

Sent: Tuesday, June 4, 2019 9:17 PM

To: WTC[omohammedi@otmlaw.com] <omohammedi@otmlaw.com>

Cc: Frederick Goetz <FGoetz@goetzeckland.com>; Tarbutton, J. Scott <STarbutton@cozen.com>; Linda Shili <lshili@otmlaw.com>; 'Haefele, Robert' (<rhaefele@motleyrice.com> <rhaefele@motleyrice.com>;

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Subject: Re: WAMY

Omar - I'm not sure the below is responsive in any meaningful sense to my question about an extension to allow us to speak on Thursday. Sean

Sent from my iPhone

On Jun 4, 2019, at 10:13 PM, Omar Mohammedi, Esq. <OMohammedi@otmlaw.com> wrote:

****EXTERNAL SENDER****

Sean:

We sent our objection and compromise two days after you served us with the notice due to time constraint to take depositions and to file a protective order motion. We had to inquire about your position again when we did not receive any response while the motion was due in two days. WAMY has been put in a very difficult position considering the short time remaining to take depositions and Plaintiffs' whole universe in the 30(b)(6) notice. In addition, paragraph 40-41 of the deposition protocol stipulates to 14 days to file a protective order motion which we all know. In good faith, we request that you send us a response to our objection and compromise by tomorrow at 12:00 pm to assess whether or not the protective order motion is imminent. Unfortunately, we are not in a position to have any delay on the resolution of the 30 (b)(6) deposition as the court has strictly set the deadline in July.

Regards,

From: Carter, Sean <SCarter1@cozen.com>

Sent: Tuesday, June 4, 2019 8:21 PM

To: Frederick Goetz <FGoetz@goetzeckland.com>

Cc: Tarbutton, J. Scott <STarbutton@cozen.com>; Omar Mohammedi, Esq.

<OMohammedi@otmlaw.com>; Linda Shili <Lshili@otmlaw.com>; 'Haefele, Robert'

(rhaefele@motleyrice.com) <rhaefele@motleyrice.com>; WTC[jflowers@motleyrice.com]

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<jkreindler@kreindler.com>; WTC[amaloney@kreindler.com] <amaloney@kreindler.com>; Steven R.

Pounian <Spounian@kreindler.com>; WTC[jgoldman@andersonkill.com]

<jgoldman@andersonkill.com>; Armstrong, Arthur <Aarmstrong@andersonkill.com>; Strong, Bruce

<Bstrong@andersonkill.com>

Subject: Re: WAMY

Fred - Is there any reason why our consent to an extension of the deadline would not accommodate your concerns and also enable us to speak on Thursday? Thanks, Sean

Sent from my iPhone

On Jun 4, 2019, at 8:17 PM, Frederick Goetz <FGoetz@goetzeckland.com> wrote:

****EXTERNAL SENDER****

Scott,

To confirm, we cannot agree to a meet and confer after the deadline to file a motion relative to our objections has passed. Please provide us with your response to our letter of May 24, 2019 by the end of today.

Frederick J. Goetz
612-874-1552 (office)
612-709-1460 (mobile)

On Jun 4, 2019, at 4:43 PM, Frederick Goetz <FGoetz@goetzeckland.com> wrote:

Scott,

I will have to confer with Omar before we give you a response but I assume you are aware that your proposed meet and confer date is after the deadline for WAMY to file a motion relative to its objections to your 30(b)(6) depo notice under the Deposition Protocol Order. As stated in our letter of last night, WAMY requests that you provide a response to our good faith proposal of May 24, 2019 to resolve this dispute by the end of the day today.

Frederick J. Goetz
612-874-1552 (office)
612-709-1460 (mobile)

On Jun 4, 2019, at 3:51 PM, Tarbutton, J. Scott
<STarbutton@cozen.com> wrote:

Omar – The PECs are available for a meet and confer on Thursday afternoon to discuss the issues described in your May 24, 2019 letter. Please let us know if you are available and what time may work best for you and Fred on Thursday – 2pm, 3pm, or 4pm.

Regards,

Scott



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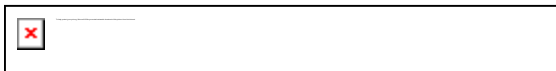
<5-24-2019 WAMY Objections to Plaintiffs' 30 (b) (6)
Notice.pdf>

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